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**FILED**

JUN 16 2011

Board of Vocational Nursing  
and Psychiatric Technicians

7  
8 **BEFORE THE**  
9 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Petition to Revoke  
13 Probation Against:

Case No. VN-2006-1963

14 **RONALD JEROME HARRIS**  
15 **153 West 82<sup>nd</sup> Street, Apt. #2**  
16 **Los Angeles, CA 90003**  
17 **Vocational Nurse License No. VN 243144**

**PETITION TO REVOKE PROBATION**

Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Petition to Revoke  
21 Probation solely in her official capacity as the Executive Officer of the Board of Vocational  
22 Nursing and Psychiatric Technicians, Department of Consumer Affairs.

23 2. On or about July 1, 2009, the Board of Vocational Nursing and Psychiatric  
24 Technicians (Board) issued Vocational Nurse License Number VN 243144 to Ronald Jerome  
25 Harris (Respondent). The Vocational Nurse License was in full force and effect at all times  
26 relevant to the charges brought herein and will expire on December 31, 2012, unless renewed.

27 3. The Board issued a Decision After Non-Adoption in the Matter of the Statement of  
28 Issues, Case No. VN-2006-1963, against Respondent's application for a vocational nurse license  
effective January 7, 2009. The application was denied, however Respondent was granted a

1 probationary license for a period of two (2) years from the issuance of the license under certain  
2 terms and conditions. Respondent was issued Vocational Nurse License Number VN 243144 on  
3 July 1, 2009.

4 **FIRST CAUSE TO REVOKE PROBATION**

5 **(Failure to Obey All Laws)**

6 4. At all times after the effective date of Respondent's probation, Probation Condition  
7 Number 1 stated:

8 Respondent shall obey all federal, state and local laws, including all statutes and regulations  
9 governing the license. Respondent shall submit, in writing, a full and detailed account of  
any and all violations of the law, including alleged violations, to the Board within five (5)  
days of occurrence.

10 To ensure compliance with this condition, Respondent shall submit fingerprints through the  
11 Department of Justice and Federal Bureau of Investigation within thirty (30) days of the  
effective date of the decision, unless the Board determines that fingerprints were previously  
12 submitted by the Respondent to the Board.

13 Respondent shall also submit to the Board a recent 2" x 2" photograph of himself within  
thirty (30) days of the effective date of the decision.

14 5. Respondent's probation is subject to revocation because he failed to comply with  
15 Probation Condition Number 1 in that he failed to submit a photograph of himself within thirty  
16 (30) days of the effective date of the Board's Decision, as required. An extension was granted at  
17 his probation compliance meeting to be received no later than October 23, 2009. A photograph  
18 was ultimately received October 30, 2009, which was 266 days past its original due date and  
19 seven (7) days past the extension.

20 **SECOND CAUSE TO REVOKE PROBATION**

21 **(Failure to Comply with Probation Program and Quarterly Report Requirements)**

22 6. At all times after the effective date of Respondent's probation, Probation Condition  
23 Number 2 stated:

24 Respondent shall fully comply with terms and conditions of the probation established by  
25 the Board and shall cooperate with the representatives of the Board in its monitoring and  
26 investigation of the Respondent's compliance with the Probation Program.

27 Respondent shall submit quarterly reports, under penalty of perjury, in a form required by  
28 the Board. The reports shall certify and document compliance with all the conditions of  
probation.

7. Respondent's probation is subject to revocation because he failed to comply with Probation Condition Number 2, Compliance with Probation Program and Quarterly Report Requirements, in that he failed to submit Quarterly Report forms certifying his compliance with the Board's probation program, as follows:

<u>Reporting Period</u>	<u>Due Date</u>	<u>Post Marked</u>	<u>Days Delinquent</u>
July –September 2009	October 7, 2009	October 24, 2009	17
October – December 2009	January 7, 2010	January 13, 2010	6
July – September 2010	October 7, 2010	October 12, 2010	5

### **THIRD CAUSE TO REVOKE PROBATION**

#### **(Failure to Satisfy Employment Requirements and Limitations)**

8. At all times after the effective date of Respondent's probation, Probation Condition Number 7 stated:

During probation, Respondent shall work in his licensed capacity in the State of California. This practice shall consist of no less than six (6) continuous months and of no less than twenty (20) hours per week.

While on probation, Respondent shall not work for a nurses' registry or in any private duty position, a temporary nurse placement agency, as a faculty member in an accredited or approved school of nursing, or as an instructor in a Board approved continuing education course except as approved, in writing, by the Board. Respondent shall work only on a regularly assigned, identified and predetermined work site(s) and shall not work in a float capacity except as approved, in writing, by the Board.

9. Respondent's probation is subject to revocation because he failed to comply with Probation Condition Number 7, in that he failed to work in his licensed capacity for a minimum of six (6) continuous months and of no less than twenty (20) hours per week as required. Respondent was notified and reminded of this probation requirement via written correspondence dated December 8, 2008, September 23, 2009, July 14 2010, and December 3, 2010.

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1 **FOURTH CAUSE TO REVOKE PROBATION**

2 **(Failure to Notify Employer)**

3 10. At all times after the effective date of Respondent's probation, Probation Condition  
4 Number 5 stated:

5 When currently employed or applying for employment in any capacity in any health care  
6 profession, Respondent shall notify his employer of the probationary status of Respondent's  
7 license. This notification to the Respondent's current health care employer shall occur no  
8 later than the effective date of the Decision. The Respondent shall notify any prospective  
9 health care employer of his probationary status with the Board prior to accepting such  
10 employment. This notification shall be by providing the employer or prospective employer  
11 with a copy of the Board's Accusation and Disciplinary Decision.

12 The Health Care Profession includes, but is not limited to: Licensed Vocational Nurse,  
13 Psychiatric Technician, Registration Nurse, Medical Assistant, Paramedic, Emergency  
14 Medical Technician, Certified Nursing Assistant, Home Health Aide, and all other ancillary  
15 technical health care positions.

16 Respondent shall cause each health care employer to submit quarterly reports to the Board.  
17 The reports shall be on a form provided by the Board, shall include a performance  
18 evaluation and such other information as may be required by the Board.

19 Respondent shall notify the Board, in writing, within five (5) days of any change in  
20 employment status. Respondent shall notify the Board, in writing, if he is terminated from  
21 any nursing or health care related employment with a full explanation of the circumstances  
22 surrounding the termination.

23 11. Respondent's probation is subject to revocation because he failed to comply with  
24 Probation Condition Number 5, Notification to Employer, in that he failed to notify his employer  
25 of the probationary status of his license.

26 **FIFTH CAUSE TO REVOKE PROBATION**

27 **(Failure to Meet Supervision Requirements)**

28 12. At all times after the effective date of Respondent's probation, Probation Condition  
Number 8 stated:

Respondent shall obtain prior approval from the Board, before commencing any  
employment, regarding the level of supervision provided to the Respondent while employed  
as a licensed vocational nurse or psychiatric technician.

Respondent shall not function as a charge nurse (i.e., work in any healthcare setting as the  
person who oversees or directs licensed vocational nurses, psychiatric technicians, certified  
nursing assistants or unlicensed assistive personnel) or supervising psychiatric technician  
during the period of probation except as approved, in writing, by the Board.



13. Respondent's probation is subject to revocation because he failed to comply with Probation Condition Number 8, Supervision Requirements, in that he failed to obtain prior approval from the Board, before commencing any employment, regarding the level of supervision while employed as a licensed vocational nurse.

## PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians issue a decision:

1. Revoking the probation that was granted by the Board in Case No. VN-2006-1963 and imposing the disciplinary order that was stayed thereby revoking Vocational Nurse License No. VN 243144 issued to Respondent Ronald Jerome Harris;

2. Revoking or suspending Vocational Nurse License Number VN 243144, issued to Respondent Ronald Jerome Harris; and

3. Taking such other and further action as deemed necessary and proper.

DATED: June 16, 2011.

TERESA BELLO-JONES, J.D., M.S.N., R.N.  
Executive Officer  
Board of Vocational Nursing and Psychiatric Technicians  
Department of Consumer Affairs  
State of California  
*Complainant*

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**Exhibit A**

**Decision and Order**

**Board of Vocational Nursing and Psychiatric Technicians  
Case No. VN-2006-1963**

BEFORE THE  
BUREAU<sup>1</sup> OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

**In the Matter of the Statement of Issues  
Against:**

RONALD JEROME HARRIS  
153 West 82nd Street, Apt. 2  
Los Angeles, CA 90003,

Vocational Nurse License  
Applicant/Respondent

Case No. VN-2006-1963

OAH No. L 2008040546

**DECISION AFTER NON-ADOPTION**

Administrative Law Judge N. Gregory Taylor, Office of Administrative Hearings, State of California, heard this matter in Los Angeles, California on July 10, 2006.

Heather Hua, Deputy Attorney General, represented Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant), Executive Officer of the Bureau of Vocational Nursing and Psychiatric Technicians (Bureau), Department of Consumer Affairs, State of California.

Ronald Jerome Harris (Respondent) represented himself.

Oral and documentary evidence was received, and the matter was argued. The case was submitted for decision on July 10, 2008 with the understanding that Respondent could file signed letters of recommendation. On July 17, 2008, Respondent filed signed copies of his letters of recommendation. The signed letters of recommendation are marked as Respondent's Exhibit N and received in evidence as administrative hearsay.

The department received the July 30, 2008 Proposed Decision on August 4, 2008. On October 7, 2008, the director non-adopted the Proposed Decision and requested that the matter be

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<sup>1</sup> On July 1, 2008, the Board of Vocational Nursing and Psychiatric Technicians became the Bureau of Vocational Nursing and Psychiatric Technicians. As of January 1, 2009, the bureau will again be a board. The terms "board" and "bureau" are therefore synonymous in this decision.

decided without ordering the transcript unless one of the parties objected. No parties objected. Complainant submitted written argument. None was received from the Respondent.

After duly considering all the evidence, excluding the transcript, the following Findings and Order are issued pursuant to Government Code section 11517:

### STATUTORY PROVISIONS

1. Section 2866, subdivision (d) of the Business and Professions Code (Code) provides, in pertinent part, that the Bureau of Vocational Nursing and Psychiatric Technicians may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under Code section 480.

2. Code section 480 provides, in pertinent part, that the Bureau may deny licensure if the applicant has been convicted of a crime substantially related to the qualifications, functions or duties of a licensed vocational nurse, has committed any act involving dishonesty, fraud or deceit; has committed any act which, if done by a licensee, would be grounds for discipline; or has knowingly made a false statement of fact required to be revealed on the application for licensure.

3. Code section 2878 of the Code states:

"The board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act, Business and Professions Code, section 2840, *et seq.*] for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

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(6) Failure to report the commission of any act prohibited by this section.

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(b) Procuring a certificate by fraud, misrepresentation, or mistake.

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(f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction.

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(j) The commission of any act involving dishonesty, when that action is related to the duties and functions of the licensee."

4. California Code of Regulations, title 16, section 2521, states:

"For purposes of denial, suspension, or revocation of a license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall

be considered to be substantially related to the qualifications, functions or duties of a licensed vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed vocational nurse to perform the functions authorized by his license in a manner consistent with the public health, safety, or welfare.”

### FACTUAL FINDINGS

Respondent stipulated to and expressly admitted the entirety of the Statement of Issues filed in this case. Respondent also admitted to the authenticity and foundation of each and every one of Complainant’s exhibits.

1. Complainant filed the Statement of Issues in this proceeding in her official capacity.
2. On March 5, 2007, the Bureau received an application for a Vocational Nurse License from Respondent. The Bureau denied the application on October 3, 2007. Respondent filed a written request for hearing on October 22, 2007.
3. This is Respondent’s second application to the Bureau for a vocational nurse license. His first application was made on September 4, 2003. Following an administrative hearing, the application was denied on the basis that Respondent had presented insufficient evidence of rehabilitation to justify the issuance of the requested license. (In the Matter of the Accusation Against Ronald Jerome Harris, California Board of Vocational Nursing Case No. 6729, California Office of Administrative Hearings, Case No. L2004110545.)
4. The Administrative Law Judge in Respondent’s prior hearing made the following observation:

“Respondent’s demeanor at hearing was that of a person who realized he had made serious mistakes in his life and is now determined to overcome these errors in judgment. He appeared to be honest and forthright in answering questions about his extensive criminal record and showed genuine remorse about his past conduct.” (Decision p. 4.) State’s Exhibit 5.
5. On September 13, 2004, Respondent was issued a Licensed Practical Nurse (LPN) license by the State of Oregon, License No. 200430345LPN. The Oregon LPN license expired on November 14, 2005.
6. Respondent acknowledges that during the period between 1986 and 1997 he had very serious problems. He was involved with the wrong type of people and had an alcohol drinking problem. When he was sent to state prison, Respondent realized that he had to change the way he has been living and changed the direction of his life. Respondent has been alcohol free since 1997.
7. Respondent has had one conviction since 1997 and that conviction has now been expunged. (The expungement was obtained subsequent to the Bureau’s denial of Respondent’s first license application.)

8. On November 26, 2002, in the Superior Court of the State of California, County of Los Angeles, Case No. BA236715, Respondent was convicted on his guilty plea to one count of being a felon in possession of a firearm, in violation of Penal Code section 12021, subdivision (a)(1), a felony that is substantially related to the qualifications, functions, and duties of a licensee. Imposition of sentence was suspended and Respondent was placed on summary probation for a period of three (3) years. Respondent was also ordered to perform 30 days of CALTRANS service and to pay a \$200.00 restitution fine. Respondent has satisfied all the conditions imposed by the court including payment of all restitution. Respondent's probation officer recommended early termination of Respondent's probation and expungement of the conviction. The court granted the early termination of probation and expunged the conviction on July 5, 2007. (It should also be noted that Respondent was on probation at the time of his prior license application.)

9. The facts and circumstances surrounding Respondent's conviction are that on August 30, 2002, Respondent unlawfully possessed a .25 caliber pistol and brandished the weapon at a repossession agent who was attempting to tow Respondent's girlfriend's vehicle. Respondent was living with his girlfriend at the time of the incident. Police officers were called to the scene by the repossession agent who identified Respondent as the person who brandished the weapon. Respondent initially told police that he had not possessed a firearm, but only simulated that he had a weapon to scare someone he thought was attempting to steal his girlfriend's car. Police officers recovered a .25 caliber pistol and a Tech-9 automatic pistol from Respondent's residence. Respondent was arrested and charged with being an ex-felon in possession of a firearm. Respondent later admitted that he in fact ran outside of his apartment and confronted the repossession agent with a firearm who he thought was trying to steal his girlfriend's vehicle.

10. Respondent has a number of criminal convictions dating back to 1986. The following is a list of convictions Respondent has incurred from 1986 until 1995:

(a) On June 13, 1995, in the Superior Court of the State of California, County of San Bernardino, Case No. FV102086, Respondent was convicted on his plea of nolo contendere to one count of driving under the influence of alcohol, in violation of Vehicle Code section 23152, subdivision (a), a felony. Respondent had suffered three (3) prior convictions for driving under the influence of alcohol (DUI) within seven years of the commission of this offense. Respondent was placed on supervised probation for a period of five (5) years. The circumstances surrounding the conviction are that on May 22, 1994, Respondent drove a vehicle while having a 0.08% and more, by weight, of alcohol in his blood. Respondent and his wife had been celebrating their anniversary. Respondent was stopped while driving back to the restaurant to reclaim his wife's purse she had left there. On April 5, 2006, the court deemed the conviction to be a misdemeanor, pursuant to Penal Code section 17, and granted Respondent's request to expunge the conviction pursuant to Penal Code section 1203.4.

(b) On June 7, 1994, in the Superior Court of the State of California, County of San Bernardino, Case No. TV136046, Respondent was convicted on his plea of nolo contendere to one count of driving under the influence of alcohol, in violation of Vehicle Code section 23152, subdivision (b), a misdemeanor. Respondent was placed on conditional probation for a period of three (3) years, ordered to serve 10 days in county jail, to pay fines and fees totaling \$1031.00, and to attend SB38 alcohol program. The circumstances surrounding the conviction are that on April 7,

1994, Respondent drove a vehicle while having a 0.08% and more, by weight, of alcohol in his blood.

(c) On July 22, 1991, in the Superior Court of the State of Washington, County of Pierce, Case No. 89-1-01341-1, Respondent was found guilty in a bench trial of one count of theft in the second degree, in violation of the Revised Code of Washington, sections 9A.56.040(1)(a) and 9A.56.020.(1)(a), a felony and a crime of moral turpitude that is substantially related to the qualifications, functions, and duties of a licensee. Respondent was sentenced to 60 days in county jail, with credit for 44 days served, and given the alternative to perform 128 hours of community service in lieu of 14 days of jail time. Respondent was also ordered to pay fines, costs, and assessments totaling \$543.00. Upon release from jail Respondent was ordered to serve 12 months of "community supervision" under the Department of Corrections. The circumstances surrounding Respondent's conviction were that on May 2, 1989, Respondent stole tires and hub caps from vehicles on an automobile dealership car lot.

(d) On March 22, 1989, in the Superior Court of the State of Washington, County of Spokane, Case No. 89-1-00188-9, Respondent was convicted on his guilty plea to one count of theft in the second degree, in violation of the Revised Code of Washington, section 9A.56.040(1)(a), a felony and a crime of moral turpitude that is substantially related to the qualifications, functions, and duties of a licensee. Respondent was sentenced to 90 days in county jail, with credit for 59 days served. Respondent was also ordered to pay \$201.00 in fines, and costs plus any restitution which would be later determined. Upon release from jail Respondent was ordered to serve 12 months of "community supervision" under the Department of Corrections. The circumstances surrounding Respondent's conviction were that on August 27, 1988, Respondent stole a 1984 Lincoln Continental from A & A Auto Sales in Spokane, Washington.

(e) On March 13, 1987, in the Superior Court of the State of California, County of Los Angeles, Case No. A640264, Respondent was convicted on his plea of guilty to one count of fraudulent use of another's credit cards, in violation of Penal Code section 484, subdivision (f) (2), and one count of grand theft by embezzlement, in violation of Penal Code section 487, subdivision (1), both felonies, and both crimes of moral turpitude that are substantially related to the qualifications, functions, and duties of a licensee. Respondent was placed on probation for a period of four (4) years, with the first 68 days being served in county jail, and ordered to pay fines and restitution totaling \$4,781.34. However, on March 18, 1996, Respondent was found to be in violation of probation for this conviction, his probation was revoked and he was sentenced to one (1) year and four (4) months in state prison. This sentence was served concurrent with his prison sentence for a November 1987 conviction for burglary. The circumstances surrounding Respondent's conviction are that between November 12, 1985, and December 6, 1985, he used the credit cards of another on five different occasions to defraud J.C. Penny by taking money and personal property exceeding \$400.00 in value, to wit, four V.C.R.'s, two cameras, and a 26" television set.

(f) On November 20, 1987, in the Superior Court of the State of California, County of Los Angeles, Case No. A64474, Respondent was convicted on his plea of nolo contendere to one count of participating in a riot, in violation of Penal Code section 404, subdivision (a), a misdemeanor. Respondent was placed on probation for one (1) year and ordered to serve 21 days



in county jail, with credit for 21 days served. The circumstances surrounding Respondent's conviction were that on October 30, 1987, he participated in a brawl at McDonalds in Paramount, California. This occurred following a high school homecoming football game.

(g) On November 14, 1986, in the Superior Court of the State of California, County of Los Angeles, Case No. A470719, Respondent was convicted on his guilty plea to one count of robbery, in violation of Penal Code section 211, a felony and a crime of moral turpitude that is substantially related to the qualifications, functions, and duties of a licensee. Respondent was placed on probation for a period of three (3) years, after spending the first 126 days in county jail, and ordered to pay \$100.00 in restitution. On March 18, 1996, Respondent was found to be in violation of probation for this offense, his probation was revoked, and he was sentenced to two (2) years in state prison. The facts and circumstances surrounding this conviction were that on August 24, 1986, Respondent and some of his friends were riding in an automobile driven by Respondent, and a dispute arose between one of Respondent's friends and a person on a "scooter" riding next to them. Respondent claimed the friend jumped from his car and took the person's scooter. Respondent was convicted for using force and violence to take the person's personal property.

11. Prior to the November 2002 conviction for being a felon in possession of a firearm, Respondent's last conviction was the 1995 felony DUI. This DUI conviction resulted in a probation violation that resulted in Respondent being sentenced to state prison in March 1996. Respondent was released from state prison in January 1997 and remained on parole until February 1998.

12. Respondent is 46 years old. He lives with his common law wife and their two children, and two step children. This relationship has existed for a number of years. They are active in their church.

13. Respondent graduated from Compton College with an Associate of Arts degree on June 12, 2006. He is currently enrolled at Southwest College and is two courses short of having sufficient credits to transfer to California State University Los Angeles. It is Respondent's goal to get a Registered Nursing degree.

14. While at Compton College, he was employed as a student worker and tutor. His supervisor submitted a letter praising Respondent as being dependable, courteous, hard working, honest and peace loving.

15. For the past year, Respondent has been employed as a full time lead associate at a Factory 2 U store. The manager of the store where Respondent works submitted a letter praising Respondent's abilities and stating that the company was delighted to have him as an employee.

16. Respondent successfully completed the LVN program at Maxine Waters Employment Preparation Center in August 2002-2003.

17. Respondent submitted letters of recommendation from his mother, brother, uncle, and long time friend. All of the praised his rehabilitation efforts and noted that despite the previous

denial of his license request. Respondent had continued to work positively toward the goal of improving himself.

18. Since the time of Respondent's last license application, Respondent has secured the expungement of his 2002 criminal conviction and his felony drunk driving conviction, is no longer on parole, has suffered no further criminal convictions, is steadily employed, is continuing his educational courses, and has a stable family situation. From the foregoing, Respondent has demonstrated his continued commitment to self improvement and the leading of a positive life free of his past associates.

19. While Respondent has been convicted of some serious crimes, sufficient time appears to have past during which Respondent has demonstrated his rehabilitation sufficient for the granting of a probationary license consistent with public safety.

### **LEGAL CONCLUSIONS**

1. Cause exists to deny Respondent's license application to the Bureau pursuant to Code sections 2866, subdivision (d) and 480, subdivision (a) (1), in that Respondent has been convicted of crimes substantially related to the qualifications, functions, and duties of a licensed vocational nurse as set forth in Paragraphs 8 through 11 of the Factual Findings.

2. Cause exists to deny Respondent's license application to the Bureau pursuant to Code sections 2866 and 480, subdivision (a) (2), in that Respondent committed acts involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another as more specifically described in Paragraph 10 of the Factual Findings.

3. Cause exists to deny Respondent's application to the Bureau pursuant to Code section 480, subdivision (a) (3), in that as set forth in Paragraphs 8 through 11 of the Factual Findings Respondent committed acts which if done by a licensed vocational nurse would be grounds for suspension or revocation of a license pursuant to Code section 2878, subdivision (f).

4. As indicated in Paragraph 19 of the Factual Findings, Respondent has demonstrated sufficient rehabilitation for the issuance of a probationary Vocational Nurse License consistent with the public safety.

### **ORDER**

Respondent Ronald Jerome Harris' application for an unrestricted Vocational Nurse License is denied provided, however, that a probationary Vocational Nurse License be issued to Respondent for a period of two years from issuance of the license subject to the following terms and conditions:

#### **1. OBEY ALL LAWS**

Respondent shall obey all federal, state and local laws, including all statutes and regulations governing the license. Respondent shall submit, in writing, a full and detailed account of any and

all violations of the law, including alleged violations, to the Board within five (5) days of occurrence.

To ensure compliance with this condition, respondent shall submit fingerprints through the Department of Justice and Federal Bureau of Investigation within thirty (30) days of the effective date of the decision, unless the Board determines that fingerprints were previously submitted by the respondent to the Board.

Respondent shall also submit to the Board a recent 2" x 2" photograph of himself/herself within thirty (30) days of the effective date of the decision.

## 2. COMPLIANCE WITH PROBATION PROGRAM AND QUARTERLY REPORT REQUIREMENTS

Respondent shall fully comply with terms and conditions of the probation established by the Board and shall cooperate with the representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Probation Program.

Respondent shall submit quarterly reports, under penalty of perjury, in a form required by the Board. The reports shall certify and document compliance with all the conditions of probation.

## 3. NOTIFICATION OF ADDRESS AND TELEPHONE NUMBER CHANGE(S)

Respondent shall notify the Board, in writing, within five (5) days of a change of residence or mailing address, of his/her new address and any change in his/her work and/or home telephone numbers.

## 4. NOTIFICATION OF RESIDENCY OR PRACTICE OUTSIDE OF STATE

Respondent shall notify the Board, in writing, within five (5) days, if he/she leaves California to reside or practice in another state.

Respondent shall notify the Board, in writing, within five (5) days, upon his/her return to California.

The period of probation shall not run during the time Respondent is residing or practicing outside California.

## 5. NOTIFICATION TO EMPLOYER(S)

When currently employed or applying for employment in any capacity in any health care profession, Respondent shall notify his/her employer of the probationary status of Respondent's license. This notification to the Respondent's current health care employer shall occur no later than the effective date of the Decision. The respondent shall notify any prospective health care

employer of his/her probationary status with the Board prior to accepting such employment. This notification shall be by providing the employer or prospective employer with a copy of the Board's Accusation and Disciplinary Decision.

The Health Care Profession includes, but is not limited to: Licensed Vocational Nurse, Psychiatric Technician, Registered Nurse, Medical Assistant, Paramedic, Emergency Medical Technician, Certified Nursing Assistant, Home Health Aide, and all other ancillary technical health care positions.

Respondent shall cause each health care employer to submit quarterly reports to the Board. The reports shall be on a form provided by the Board, shall include a performance evaluation and such other information as may be required by the Board.

Respondent shall notify the Board, in writing, within five (5) days of any change in employment status. Respondent shall notify the Board, in writing, if he/she is terminated from any nursing or health care related employment with a full explanation of the circumstances surrounding the termination.

#### 6. INTERVIEWS/MEETINGS WITH BOARD REPRESENTATIVE(S)

Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board, or its designated representatives.

#### 7. EMPLOYMENT REQUIREMENTS AND LIMITATIONS

During probation, the Respondent shall work in his/her licensed capacity in the State of California. This practice shall consist of no less than six (6) continuous months and of no less than twenty (20) hours per week.

While on probation, Respondent shall not work for a nurses' registry or in any private duty position, a temporary nurse placement agency, as a faculty member in an accredited or approved school of nursing, or as an instructor in a Board approved continuing education course except as approved, in writing, by the Board. Respondent shall work only on a regularly assigned, identified and predetermined work site(s) and shall not work in a float capacity except as approved, in writing, by the Board.

#### 8. SUPERVISION REQUIREMENTS

Respondent shall obtain prior approval from the Board, before commencing any employment, regarding the level of supervision provided to the respondent while employed as a licensed vocational nurse or psychiatric technician.

Respondent shall not function as a charge nurse (i.e., work in any healthcare setting as the person who oversees or directs licensed vocational nurses, psychiatric technicians, certified nursing assistants or unlicensed assistive personnel) or supervising psychiatric technician during the period of probation except as approved, in writing, by the Board.

#### 9. COMPLETION OF EDUCATIONAL COURSE(S)

Respondent, at his or her own expense, shall enroll and successfully complete a course(s) substantially related to the violation(s) no later than the end of the first year of probation; or the Respondent shall be suspended from practice, until he or she has enrolled in and has successfully completed the specified coursework.

The coursework shall be in addition to that required for license renewal. The Board shall notify the Respondent of the course content and number of contact hours required. Within thirty (30) days of the Board's written notification of assigned coursework, Respondent shall submit a written plan to comply with this requirement. The Board shall approve such plan prior to enrollment in any course of study.

Upon successful completion of the course, Respondent shall cause the instructor to furnish proof to the Board within thirty (30) days of course completion.

#### 10. MAINTENANCE OF VALID LICENSE

Respondent shall, at all times while on probation, maintain an active current license with the Board, including any period during which suspension or probation is tolled.

Should respondent's license, by operation of law or otherwise, expire, upon renewal or reinstatement respondent's license shall be subject to any and all terms of this probation not previously satisfied.

#### 11. VIOLATION OF PROBATION

If the Respondent violates the conditions of his/her probation, the Board after giving the Respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of the Respondent's license. If during the period of probation, an accusation or petition to revoke has been filed against the Respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against the Respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board. Upon successful completion of probation, the Respondent's license will be fully restored.

#### 12. TAKE AND PASS LICENSURE EXAMINATION

Prior to commencing practice, respondent shall take and pass the licensure exam currently required of new applicants within two (2) years from the effective date of the Board's decision. Respondent shall pay the established examination fees.

This probationary period shall not commence until the respondent has successfully passed the licensure examination and a license is issued by the Board.

This decision shall become effective on January 7, 2009.

IT IS SO ORDERED this 5th day of December, 2008.



PATRICIA HARRIS  
Deputy Director, Board/Bureau Support  
Department of Consumer Affairs

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of the State of California  
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7  
8 **BEFORE THE**  
**BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues Against:

Case No. VN-2006-1963

12 RONALD JEROME HARRIS  
13 153 West 82nd Street, Apt. 2  
Los Angeles, CA 90003  
Vocational Nurse License Application

**STATEMENT OF ISSUES**

14 Applicant/Respondent.

15  
16 Complainant alleges:

17 **PARTIES**

- 18 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this  
19 Statement of Issues solely in her official capacity as the Executive Officer of the Board of  
20 Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.  
21 2. On or about March 5, 2007, the Board of Vocational Nursing and  
22 Psychiatric Technicians, Department of Consumer Affairs received an application for a  
23 Vocational Nurse License Application from Ronald Jerome Harris (Respondent). On or about  
24 March 1, 2007, Ronald Jerome Harris certified under penalty of perjury to the truthfulness of all  
25 statements, answers, and representations in the application. The Board denied the application on  
26 October 3, 2007.

27 **JURISDICTION**  
28



1                   3.       This Statement of Issues is brought before the Board of Vocational  
2 Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs, under the  
3 authority of the following laws. All section references are to the Business and Professions Code  
4 unless otherwise indicated.

5                                   STATUTORY PROVISIONS

6                   4.       Section 2866(d) of the Business and Professions Code (Code) provides, in  
7 pertinent part, that the Board of Vocational Nursing and Psychiatric Technicians may deny a  
8 license when it finds that the applicant has committed any acts constituting grounds for denial of  
9 licensure under section 480 of that Code.

10                  5.       Section 480 of the Code provides, in pertinent part, that the Board may  
11 deny licensure if the applicant has been convicted of a crime substantially related to the  
12 qualifications, functions or duties of a licensed vocational nurse; has committed any act  
13 involving dishonesty, fraud or deceit; has committed any act which, if done by a licensee, would  
14 be grounds for discipline; or has knowingly made a false statement of fact required to be revealed  
15 on the application for licensure.

16                  6.       Section 2878 of the Code states:

17                       "The Board may suspend or revoke a license issued under this chapter [the  
18 Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

19                       "(a) Unprofessional conduct, which includes, but is not limited to, the following:

20                       ....

21                       (6) Failure to report the commission of any act prohibited by this section.

22                       ....

23                       "(b) Procuring a certificate by fraud, misrepresentation, or mistake.

24                       ....

25                       "(f) Conviction of a crime substantially related to the qualifications, functions,  
26 and duties of a licensed vocational nurse, in which event the record of the conviction shall be  
27 conclusive evidence of the conviction.

28                       ....

1           "(j) The commission of any act involving dishonesty, when that action is related  
2 to the duties and functions of the licensee.

3           7.       California Code of Regulations, title 16, section 2521, states:

4           "For the purposes of denial, suspension, or revocation of a license pursuant to  
5 Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or  
6 act shall be considered to be substantially related to the qualifications, functions or duties of a  
7 licensed vocational nurse if to a substantial degree it evidences present or potential unfitness of a  
8 licensed vocational nurse to perform the functions authorized by his license in a manner  
9 consistent with the public health, safety, or welfare.

10                               FIRST CAUSE FOR DENIAL OF APPLICATION

11   (Conviction of Crimes)

12           8.       Respondent's application is subject to denial under sections 2866(d) and  
13 480(a)(1) of the Code in that Applicant/Respondent was convicted of crimes substantially related  
14 to the qualifications, functions, and duties of a licensed vocational nurse for the following  
15 reasons:

16                       a.   On or about November 26, 2002, Applicant/Respondent was convicted by the  
17 court on his guilty plea of one count of violating Penal Code section 12021(a)(1)(possession of a  
18 firearm by a felon-two priors-a felony) in the Superior Court of the State of California, Los  
19 Angeles, case number BA236715 entitled *People v. Ronald Jerome Harris*. The circumstances  
20 surrounding the conviction are that on or about August 30, 2002, Applicant/Respondent did  
21 unlawfully own, possess and have custody and control of a firearm, to wit, a .25 caliber pistol.

22                       b.   On or about June 13, 1995, Applicant/Respondent was convicted by the court  
23 on his plea of nolo contendere of one count of violating Vehicle Code section 23152(a) (driving  
24 under the influence of alcohol or drugs - a felony) in the Superior Court of California, County of  
25 San Bernardino, case number FV102086, entitled *People v. Ronald Jerome Harris*. The  
26 circumstances surrounding the conviction are that on or about May 22, 1994, in San Bernardino  
27 County, California, Applicant/Respondent drove a vehicle while having 0.08% and more, by  
28 weight, of alcohol in his blood.

1 c. On or about June 7, 1994, Applicant/Respondent was convicted by the court on  
2 his plea of nolo contendere of one count of violating Vehicle Code section 23152(b) (driving  
3 while having 0.08% and more, by weight, of alcohol in his blood - a misdemeanor) in the  
4 Superior and Municipal Court of California, County of San Bernardino, case number TV136046  
5 entitled *People v. Ronald Jerome Harris*. The circumstances surrounding the conviction are that  
6 on or about April 7, 1994, in San Bernardino County, California, Applicant/Respondent drove a  
7 vehicle while having 0.08% and more, by weight, of alcohol in his blood.

8 d. On or about July 22, 1991, Applicant/Respondent was convicted by the court  
9 of one count of violating Revised Code of Washington sections 9A.56.040(1)(a) and  
10 9A.56.020(1)(a)(second degree theft - a felony) in the Superior Court of the State of Washington,  
11 County of Pierce, case number 89-1-01341-1 entitled *State of Washington v. Ronald Jerome*  
12 *Harris*. The circumstances surrounding the conviction are that on or about May 2, 1989,  
13 Applicant/Respondent did unlawfully steal, take and carry away personal property from another.

14 e. On or about March 22, 1989, Applicant/Respondent was convicted by the court  
15 of one count of violating Revised Code of Washington section 9A.56.040(1)(a) (second degree  
16 theft - a felony) in the Superior Court of the State of Washington, County of Spokane, case  
17 number 89-1-00188-9 entitled *State of Washington v. Ronald Jerome Harris*. The circumstances  
18 surrounding the conviction are that on or about August 27, 1988, Applicant/Respondent did  
19 unlawfully steal a 1984 Lincoln Continental from A&A Auto Sales in Spokane, Washington.

20 f. On or about March 13, 1987, Applicant/Respondent was convicted by the court  
21 on his plea of guilty of five counts of violating Penal Code section 484f(2) (fraudulent use of  
22 another's credit cards - a felony) and one count of violating Penal Code section 487(1) (grand  
23 theft by embezzlement - a felony) in the Superior Court of the State of California, County of Los  
24 Angeles, case number A 640264 entitled *People v. Ronald Jerome Harris*. The circumstances  
25 surrounding the conviction are that on and between November 22, 1985 and December 6, 1985,  
26 on five separate instances, Applicant/Respondent did willfully, unlawfully and with intent to  
27 defraud sign the name of another person to a sales draft and an instrument for payment of money  
28 which evidenced a credit card transaction, Applicant/Respondent being a person other than the

1 cardholder, with intent to defraud J.C. Penney, and without authorization of the five cardholders.  
2 On or between November 12, 1985, and December 6, 1985, Applicant/Respondent did willfully  
3 and unlawfully take from said J.C. Penney money and personal property of a value exceeding  
4 \$400.00, to wit, four VCR's, two cameras and a 26" television set.

5 g. On or about November 20, 1987, Applicant/Respondent was convicted by the  
6 court on his plea of nolo contendere of one count of violating Penal Code section 404(a)  
7 (participating in a riot - a misdemeanor) in the Municipal Court of Compton Judicial District,  
8 County of Los Angeles, State of California case number A64474 entitled *People v. Ronald*  
9 *Jerome Harris*. The circumstances surrounding the conviction are that on or about October 30,  
10 1987, Applicant/Respondent did willfully and unlawfully participate in a riot at a McDonalds in  
11 Paramount, California, in that he did with one and more persons acting together, and without  
12 authority of law, accompanied by immediate power of execution, use force and violence, disturb  
13 the public peace, and threaten to use such force and violence.

14 h. On or about November 14, 1986, Applicant/Respondent was convicted by the  
15 court of one count of violating Penal Code section 211 (robbery - a felony) in the Superior Court  
16 of the State of California, County of Los Angeles, case number A470719 entitled *People v.*  
17 *Ronald Jerome Harris*. The circumstances surrounding the conviction are that on August 24,  
18 1986, Applicant/Respondent did willfully, unlawfully and by means of force and fear take  
19 personal property from the person, possession, and immediate presence of another.

## 20 SECOND CAUSE FOR DENIAL OF APPLICATION

21 (Dishonest, Fraudulent, or Deceitful Acts)

22 9. Respondent's application is subject to denial under section 2866 of the  
23 Code in violation of section 480(a)(2) of the Code in that Applicant/Respondent committed acts  
24 involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or  
25 substantially injure another as more specifically described above in paragraph 8.

## 26 THIRD CAUSE FOR DENIAL OF APPLICATION

27 (Conviction of Crimes as Grounds for Suspension or Revocation of Licensure)

28 10. Respondent's application is subject to denial under section 480(a)(3) of the

1 Code, in that, as set forth in Paragraph 8 above, he committed acts which if done by a licensed  
2 vocational nurse would be grounds for suspension or revocation of a license pursuant to section  
3 2878(f) of the Code.

4 PRAYER

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
6 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric  
7 Technicians issue a decision:

8 1. Denying the application of Ronald Jerome Harris for a Vocational Nurse  
9 License Application;

10 2. Taking such other and further action as deemed necessary and proper.

11  
12 DATED: February 15, 2008

13  
14 

15 TERESA BELLO-JONES, J.D., M.S.N., R.N.  
16 Executive Officer  
17 Board of Vocational Nursing and Psychiatric Technicians  
18 Department of Consumer Affairs  
19 State of California  
20 Complainant

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